

Lexington, Kentucky May 5, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 5, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane, McChord, Moloney, Myers and Shafer. Absent were Council Members Cegelka, Gorton and Scanlon.

The reading of the Minutes of the previous meetings was waived.

Ordinances No. 87-2005 thru 104-2005 inclusive and Resolutions No. 190-2005 thru 225-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky May 5, 2005

The Invocation was given by the pastor from Antioch Christian Church.

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Mr. Stinnett and Mr. Wigginton recognized the Bryan Station High School Boys Basketball Team for being the District Champion and Regional Runner-Up.

Coach Champ Ligon introduced the team members, Assistant Coach Bill Brown, and spoke about the team's accomplishments.

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Ms. Denise White introduced Ms. Sally Sue Brown, coordinator for the Lexington 101 Class, and they thanked the Mayor and Council for their support and the Government employees who participated in the education and training of the class members. They introduced the members who were present and gave them a certificate of completion.

Mr. Brown suggested that future classes hold a mock Council Meeting in the Council Chambers in order to learn more about the process of government and the work of their elected officials.

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Mr. McChord and Mr. Moloney presented a Proclamation that proclaimed the month of May, 2005 as Better Hearing and Speech Month to Mr. Bill Algerson.

Mr. Algerson spoke about the Lexington Hearing and Speech Center and thanked the Mayor and Council for the proclamation.

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The following ordinances were given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane,
McChord, Moloney, Myers, Shafer ----- 12

Nay: _____ 0

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1E) zone for 2.74 net (2.86 gross) acres, from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 10.43 net (10.43 gross) acres, from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 1.28 net (1.32 gross) acres, from a Single Family Residential (R-1E) zone to a Highway Service Business (B-3) zone for 2.85 net (2.95 gross) acres, from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone for 0.21 net (0.33 gross) acre, and from a Highway Service

Business (B-3) zone with conditional zoning restrictions to a Highway Service Business (B-3) zone with modified conditional zoning restrictions for 0.38 net (0.41 gross) acre of property located at 2679 Leestown Road and a portion of 2601 Leestown Road, subject to certain use restrictions imposed as a condition of granting the zone change. (Robert P. Langley & Whitesburg Redevelopment Co., Ltd. (AMD))

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Shopping Center (B-6P) zone for 13.90 net (15.19 gross) acres and from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone for 9.88 net (9.88 gross) acres of property located at 150 Rojay Drive. (CBL & Associates)

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1C) zone for 8.64 net (9.59 gross) acres of property located at 5301 Tates Creek Road, subject to certain density and buffering restrictions imposed as conditions of granting the zone change. (The Reserve at Tates Creek, LLC)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 180.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures related to the Phoenix Building and Government Center renovations, and appropriating and reappropriating funds, Schedule No. 181.

An Ordinance amending Ordinance No. 30-2005, that amended Chapter 17B of the Code of Ordinances, to correct a clerical error which omitted an amendment to Section 17B-7 to clarify that the rights of way are those of the Urban County Government.

An Ordinance amending Section 14-10(f)(9) of the Code of Ordinances to add Environmentalist I employed by the Lexington-Fayette Urban County Government Health Department as a position title for the enforcement of Code of Ordinances Section 14-97 through 14-104.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Kentucky State Police, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$32,750.00 Federal funds, are for continuation of the Traffic Safety Program in FY 2006, the acceptance of which obligates the Urban County

Government for the expenditure of \$32,750.00, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 4, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one position of Social Services Administrator, Grade 119E, in the Dept. of Social Services.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds to replace a nitrous oxide/oxygen dental storage tank for the Family Care Center Dental Clinic, and appropriating and re-appropriating funds, Schedule No. 185.

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance authorizing the Mayor to execute Change Order No. 1 to the contract with Tetra Tech, Inc., for Viley Neighborhood Stormwater Project, increasing the contract price by the sum of \$25,000.00 from \$223,530.00 to \$248,530.00, and appropriating funds pursuant to Schedule No. 183.

An Ordinance authorizing the Mayor to execute an Engineering Services Agreement with Hargis Engineering, Inc., for Elizabeth Street Drainage Improvements, at a cost not to exceed \$60,000.00 and appropriating funds pursuant to Schedule No. 184.

An Ordinance authorizing the Mayor to execute an Event Contract with The Keeneland Association and Turf Catering Company, for reserving of the Kentucky Room at Keeneland Race Course for the dinner for the Aging in Place Initiative, and appropriating funds pursuant to Schedule No. 179.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$450.00 for the Lexington Commission on Race Relations from the Neighborhood Development Funds for youth tables at the Reconciliation Breakfast, and appropriating and re-appropriating funds, Schedule No. 186.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 182.

An Ordinance amending Section 14-10(f)(10) of the Code of Ordinances to

designate firefighters assigned to the Office of the Fire Marshal in the Div. of Fire and Emergency Services as citation officers to enforce subsection (a) of Section 18-112, and Section 18-118 of the Code of Ordinances; amending Section 18-112(a) of the Code of Ordinances to authorize firefighters assigned to the Office of the Fire Marshal in the Div. of Fire and Emergency Services to cause any unoccupied vehicle parked in a designated fire lane on private property in violation of KRS 227.300 and KRS 227.320, or any unoccupied vehicle parked in violation of Section 18-118 of the Code of Ordinances to be removed and impounded; all effective upon the date of passage.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Assistant Food Services Manager, Grade 111E, and creating one (1) position of Administrative Specialist, Grade 110N, in the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 188.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$49,930.00 Federal funds, are for the FY 2005 Emergency Management Assistance Project, the acceptance of which obligates the Urban County Government for the expenditure of \$49,930.00, appropriating funds pursuant to Schedule No. 187, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. for Libraries and Archives, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$43,000.00 Commonwealth of Ky. funds, are for shelving for the Furrow's Building for archiving records, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 189, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

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An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Budget Analyst, Grade 115E, and creating one (1) position of Budget Technician, Grade 112N, in the Div. of Budgeting was given first reading.

Dr. Stevens made a motion, seconded by Mr. DeCamp, to suspend the rules and give the ordinance second reading. The motion failed to pass.

The ordinance was ordered placed on file two weeks for public inspection.

* * *

The following resolutions were given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane,
McChord, Moloney, Myers, Shafer ----- 12

Nay: ----- 0

A Resolution accepting the bid of Bus Service, Inc. in the amount of \$43,998.00, for bus bodies for the Div. of Fleet Services.

A Resolution accepting the bid of Pepsi Cola Bottling Co. of Lexington establishing a price contract for beverage products, for the Div. of Parks.

A Resolution accepting the bid of MPH Industries, Inc. establishing a price contract for non-permanent mounted radar, for the Div. of Police.

A Resolution accepting the bid of Harley-Davidson of Lexington establishing a price contract for police motorcycles, for the Div. of Police.

A Resolution accepting the bid of Central Indiana Truck Equipment Corp. establishing a price contract for multipack refuse bodies, for the Div. of Fleet Services.

A Resolution approving the probationary civil service appointment of: Dal Barrett, Internal Auditor, Grade 118E, \$1,923.08 bi-weekly, in the Div. of Internal Audit, effective May 2, 2005; ratifying the permanent civil service appointments of: James D. Cowan, John Dudley, Aaron Garrard and James S. Lee, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective April 4, 2005; ratifying the unclassified civil service appointment of: Jay Whitehead, Commissioner of Public Works, Grade 211E, \$3,500.00 bi-weekly, in the Dept. of Public Works, effective April 18, 2005.

A Resolution authorizing the Mayor to execute an Agreement with Red Cross Wheels, for the use of Local Government Economic Assistance Funds for the purchase of five (5) minibuses for transporting the elderly and disabled, at a cost not to exceed \$25,000.00.

A Resolution authorizing the Mayor to execute an Amendment to Lease Agreement with Creech Services, Inc., for use of the Haley Pike Landfill, to include an additional 5.743 acres of borrow area to use as a water retention basin, to extend the renewal options and to address issues relating to water and testing at an additional annual rental of \$600.00.

A Resolution authorizing the Mayor to execute a Maintenance Agreement for a term effective November 15, 2004 through November 14, 2005 with Medtronic Physio-Control Corp., for technical service support of Lifepac 12 defibrillators, at a cost not to exceed \$10,236.00.

A Resolution authorizing the Mayor to execute an Engagement Letter with Mountjoy & Bressler, LLP, for audit of the financial statements for the year ended June 30, 2005, at a cost not to exceed \$91,600.00.

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The following resolutions were given first reading. Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye:	Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane, McChord, Moloney, Myers, Shafer -----	12
Nay:	-----	0

A Resolution authorizing the Dept. of Law to accept a Deed of Temporary Construction Easement from Don and Ruth Schilling, 708 Loudon Avenue for the Loudon Avenue Improvement Project, at a cost not to exceed \$150.00 and authorizing the Mayor to execute a consideration certificate.

A Resolution approving the probationary civil service appointments of: Vetta Todd, Administrative Specialist, Grade 110N, \$17.178 hourly, in the Div. of Human Resources, effective May 2, 2005; Gene Barrell, Public Service Worker Sr., Grade 107N, \$13.486 hourly in the Div. of Streets, Roads & Forestry, effective May 16, 2005; Stephanie Cunningham, Administrative Specialist, Grade 110N, \$14.315 hourly, in the Div. of Planning, effective February 22, 2005; Christy Stafford, Social Worker Sr., Grade 113E, \$1,346.16 bi-weekly, in the Div. of Youth Services, effective February 7, 2005; ratifying the permanent civil service appointments of: Patricia Mulhern, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective April 4, 2005; Shannon Wilson, Communications Officer, Grade 111N, in the Div. of Police, effective March 27, 2005; Scott Osborne, Communications Shift Manager, Grade 116E, in the Div. of Police, effective April 4, 2005; Michelle Riddle, Staff Assistant, Grade 107N, in the Div. of Police, effective April 18, 2005; Becky McFarland, Financial Coordinator, Grade 112N, in the Div. of Community Development, effective April 11, 2005; Charles M. Sayre, Skilled Trades Worker Sr., Grade 112N, in the Div. of Building Maintenance & Construction, effective April 18, 2005; Franklin Martin, Skilled Trades Worker Sr., Grade

112N, in the Div. of Building Maintenance & Construction, effective April 4, 2005; Rodney M. Acres, Public Service Supervisor, Grade 111N, in the Div. of Building Maintenance & Construction, effective April 11, 2005; Janet Lair, Staff Assistant Sr., Grade 108N, in the Div. of Risk Management, effective May 8, 2005; approving leaves of absence for: Bernie Smith, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a leave of absence without pay from April 22, 2005 through May 14, 2005; Nicholas Vanover, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a leave of absence without pay from March 25, 2005 through May 31, 2005.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$112,500.00 Federal funds under the Urban Violence Reduction Initiative, and are for the creation of a cold case homicide squad.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$222,500.00 Federal funds, and are for the continuation of the Metropolitan Medical Response System (MMRS) in FY 2006.

A Resolution authorizing the Mayor to execute a non-supplanting certification of Federal Homeland Security funds awarded from the Ky. Dept. of Military Affairs, Div. of Emergency Management, in FY 2003 in order to comply with the U. S. Dept. of Homeland Security non-supplanting requirements.

A Resolution authorizing the Mayor to execute a Lease with Scotty Baesler, for producing, cutting hay and mowing 300 acres at Bluegrass Station, generating annual revenue to the Government in the amount of \$400.00.

A Resolution authorizing the Mayor to execute Agreements with Golfview Estates Neighborhood Association, Inc. (\$800.00), The Plantation Neighborhood Association, Inc. (\$250.00), The Salvation Army (New York) (\$925.00), Fayette County Project Graduation, Inc. (\$825.00), Park Place Neighborhood Association, Inc. (\$500.00), Psi Tau Chapter of Omega Psi Phi Fraternity, Inc. (\$100.00), and the Mary Carolyn Jewell Foundation for Obese Children, Inc. (\$300.00) for the Office of the Urban County

Council, at a cost not to exceed the sums stated.

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A Resolution authorizing the Mayor to execute a Mutual Aid Agreement with American Medical Response, relating to the operation of an ambulance service, at no cost to the Urban County Government was on the docket for first reading.

Mr. Bruce Simpson, attorney for Mercury Ambulance Service, stated the reasons they were opposed to the resolution, and filed the following exhibit: (1) Letter of Objection to the Mayor and Council Members.

Mr. David Vance, attorney for American Medical Response, spoke in favor of the resolution.

The resolution was given first reading.

Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane,
McChord, Moloney, Myers, Shafer ----- 12

Nay: ----- 0

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A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with John C. Sensabaugh Design & Construction, for the renovation of the Versailles Road Multi Purpose Facility, increasing the contract price by the sum of \$11,250.00 from \$93,281.00 to \$104,531.00 was given first reading.

Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Lane,
McChord, Moloney, Myers, Shafer ----- 11

Nay: Farmer ----- 1

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Upon motion of Mr. Ellinger, seconded by Ms. Shafer and passed by unanimous vote, a Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Cabinet for Economic Development and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of five hundred thousand dollars (\$500,000.00) Commonwealth of Ky. funds, and are for the Belcan Engineering Group, Inc. Economic Development Bond Project was placed on the docket and given first reading.

Mr. Ellinger stated that the resolution replaced the request for an inducement resolution approved at the April 26, 2005 Work Session.

Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye:	Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane, McChord, Moloney, Myers, Shafer -----	12
Nay:	-----	0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Dixon Electric, Inc. establishing a price contract for emergency warning siren repairs.

A Resolution accepting the bid of CML Emergency Services, Inc. establishing a price contract for Enhanced 911 equipment, for Div. of Enhanced 911.

A Resolution accepting the bid of C & T Design & Equipment Co. establishing a price contract for food service equipment for the Day Treatment Facility, for the Office of the CAO.

A Resolution accepting the bid of Hurst Office Suppliers establishing a price contract for metal shelving for the Furrows Building, for the Office of the Council Clerk.

A Resolution authorizing the Mayor to accept a donation of two (2) cases of gunlocks from Centerfire Systems, Inc., for the Div. of Police, at no cost to the Government.

A Resolution amending Section 2(d) of Resolution No. 91-2001 to change the reference for the new street address from 5665 Briar Hill Drive to 5665 Briar Hill Road.

A Resolution changing the street name and property address numbers of 3100 Harrodsburg Road to 3001 Arrowhead Drive, of 271 East Vine Street to 137 Rose Street, of 217 Virginia Avenue to 695 Winnie Street, and of 293 Winn Way to 2023 Libby Lane; changing the property address numbers of 4151 Bethel Road to 4161 Bethel Road, of 2450, 2551, 2575, 2721, 2730, 2782, 2792 and 3000 Bowman Mill Road to 2451, 2500, 2650, 2722, 2731, 2783, 2793 and 2999 Bowman Mill Road; of 1620 Harrodsburg Road to 1630 Harrodsburg Road, of 6895 Jacks Creek Pike to 6901 Jacks Creek Pike, of 3105 Rio Dosa Drive to 3051 Rio Dosa Drive, of 3445 Royster

Road to 3333 Royster Road, and of 3785-3791 Lochdale Terrace to 3685-3691 Lochdale Terrace; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Fuller, Mossbarger, Scott and May Engineers, Inc., for Skycrest Neighborhood Stormwater Project, decreasing the contract price by the sum of \$100,000.00 from \$420,000.00 to \$320,000.00.

A Resolution authorizing the Mayor to execute a Lease with Travis Fritz, for mowing, cropland and hay at Cardinal Run North, producing an annual rental fee to the Government of \$3,750.00.

A Resolution authorizing the Mayor to execute an Agreement with Edythe Jones Hayes Middle School PTSA, Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute an Agreement with the University of Ky., for the University of Ky. Hospital Project traffic and roadway reconfigurations.

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Upon motion of Ms. Shafer, seconded by Mr. Moloney and passed by majority vote (Mr. Farmer voted no), the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Robert Marking to the Community Partnership Action Council with a term to expire 6-13-2006. Mr. Marking will fill the unexpired term of George Myers as 8th District Representative; (2) recommending the appointment of Rabbi Marc Aaron Kline to the Human Rights Commission with a term to expire 1-1-2006. Rabbi Kline will fill the unexpired term of Cleophus Price; and (3) recommending the appointments of James D. Cain, representing the Audubon Society; Walt Gaffield, representing Fayette County Neighborhood Council; Bill Bakert, representing In-Line Hockey; John Wiggs, representing Masterson Equestrian Committee and Anita Britton, representating Parks & Recreation Equestrian Program to the Masterson Station Park Advisory Board with terms to expire 5-1-2006. Also, recommending the appointments of Coleman Crawford, representing Bracktown Neighborhood; Joe W. Booker, Jr., representing Federal Medical Center; Eleanor Peavy, representing Ky. Border Collie Association; Steve Gahafer, representing Masterson Station Neighborhood and Mike Lorton, representing Div. of Parks & Recreation to the Masterson Station Park Advisory Board with terms to expire 5-1-2007. Also, recommending the appointments of Nick Arnold, representing Cardinal Valley

Neighborhood; Janet Cowan, representing Friends of the Dog Park; Mike Massey, representing Lions Club; Robert Tutty, representing McConnells Trace Neighborhood Council and Robert Dalton, representing Georgetown Road Corridor to the Masterson Station Park Advisory Board with terms to expire 5-1-2008. Also, recommending the appointments of Bethany Adams, representing Casual Riders; Zina Merkin, representing Greenways; Gary Fogtman, representing LYSA; Tom Blues, representing Meadowthorpe Neighborhood; Kerry Fitzpatrick, representing Newtown Pike Corridor and Julia Martin, representing Russell Cave Pike Corridor to the Masterson Station Park Advisory Board with terms to expire 5-1-2009. Also, recommending the appointment of Jacques Wigginton, Council Member Representative, to the Masterson Station Park Advisory Board as an ex-officio.

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The following communications were received from the Mayor for information only:

(1) Resignation of Marisa Milanesio, Eligibility Counselor, Grade 110E, in the Dept. of Social Services, effective February 20, 2005; (2) Resignation of Shawn Copher, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective April 25, 2005; (3) Resignation of Louis Osborne, Police Trainee, Grade 311N, in the Div. of Police, effective April 22, 2005; (4) Resignation of Hershell Evans III, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 12, 2005; (5) Resignation of Steven C. Dean, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 8, 2005; (6) Lateral transfer of Viola Kay Howard, Staff Assistant Sr., Grade 108N, \$13.205 hourly, from the Div. of Solid Waste, to the Div. of Parks, effective May 16, 2005; (7) Lateral transfer of Frank Steuart, Public Service Worker Sr., Grade 107N, \$14.617 hourly, from the Div. of Streets, Roads & Forestry, to the Div. of Div. of Parks, effective May 16, 2005; (8) Lateral transfer of Christina Hill, Staff Assistant Sr., Grade 108N, \$11.464 hourly, from the Div. of Risk Management, to the Dept. of General Services, effective May 16, 2005; and (9) Termination of probationary appointment of Jo Ann Drury, Community Correction Officer, Grade 110N, in the Div. of Community Corrections, effective April 20, 2005.

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The report from the Div. of Building Inspection for the month of March, 2005 was received and ordered filed.

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Mr. Farmer spoke about information to be turned in by the members on the focusing and goal-setting meeting that had been held.

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Mr. Farmer spoke about information the Vice-Mayor had requested at Work Session and the way those requests are handled.

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Mr. Bernard McCarthy, 515 Harry Street, spoke against the resolution that was on the docket for first reading authorizing an Agreement with the University of Ky. for the hospital project traffic and roadway reconfigurations.

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Mr. Robert Dalton, 520 Douglas Avenue, spoke in support of proposed improvements to the Georgetown Street Area, and against funds for the Purchase of Development Rights Program.

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Mr. Henry Kenyon, 467 Douglas Avenue, stated his concerns with a traffic light hazard on Georgetown Road at Douglas Avenue.

The Mayor directed Mr. Kenyon to speak with Mr. Jay Whitehead, Commissioner of Public Works.

Mr. Brown asked Mr. Kenyan to further explain the traffic light problem.

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Mr. Raleigh Watson, 4 Preston Court, proposed an alternative to closing Rose Street for the University of Ky. hospital project.

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Mr. Don Pratt, 210 Walton Avenue, spoke against the proposed closing of Rose Street for the University of Ky. hospital project.

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The Council recessed at 8:05 p.m.

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At 8:13 p.m. the Council returned with the same members present.

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1E) zone for 58.51 net (59.65 gross) acres of property located at 1749 Russell Cave Road (Schneider Designs, Inc.) was given second reading with a public hearing being held.

The Mayor swore in the witnesses.

Mr. Bill Sallee, Div. of Planning, made his presentation and filed the following exhibits: (1) Legal Notice, (2) Affidavit of notices mailed, (3) MAR 2004-42, Final Report and minutes of the Planning Commission, (4) 2001 Comprehensive Plan, (5) Land

Subdivision Regulations, (6) Zoning Ordinance, with amendments, (7) Zoning Map – USA #10, (8) Photographs of subject property and area, (9) Comprehensive Plan Map – Sector 7 and (10) Preliminary Development Plan.

Mr. Bruce Simpson, attorney for the petitioner, gave the reasons for the requested zone change and filed the following exhibits: (1) Exhibit Book, (2) Affidavit of signs posted, (3) Zoning Map board, (4) Housing information packet and (5) Photos of housing developments.

There were no objectors present for the zone change request.

The Council asked questions of: Mr. Simpson, Mr. Sallee, Mr. Jason Banks, engineer, and Mr. Schneider, petitioner.

Mr. Wigginton made a motion, seconded by Ms. Shafer, to approve the following Findings of Fact for Approval and Conditions:

1. The requested R-1E zoning is in agreement with the 2001 Comprehensive Plan, for the following reasons:
 - a. Some 39.75 net acres of the subject property are recommended for Low Density Residential use, which is defined as 0-5 dwelling units per net acre. The Plan would suggest residential development of up to 198 dwelling units for this portion of the subject property.
 - b. Some 18.75 net acres of the subject property are recommended for Medium Density Residential land use, defined as 5-10 dwelling units/net acre. That portion of the subject property is recommended for development of 94-187 residential dwelling units.
 - c. The applicant proposes a Single Family Residential (R-1E) zone for 290 single family dwelling units. This level of density agrees with the residential density proposed for the subject property by the Comprehensive Plan.

Based on the evidence, to preserve the integrity and character of the area in which the subject property is located and adjoining areas,

1. The minimum side yard on the residential lots shall be six (6) feet and all portions of dwellings which face streets shall be constructed with brick or stone facades.

Based on the evidence, while it appears that adequate capacity exists in the sanitary trunk sewer which serves the subject property, full build-out of the development may exceed the capacity and as a condition of the granting of this zone change,

1. Schneider Designs, Inc. shall, at its sole expense, upgrade the sanitary trunk sewer to receive the additional sewer flows in the event the Div. of Sanitary Sewers determines that the capacity would be exceeded by full build-out.

Mr. DeCamp asked Mr. Wigginton about the minimum side yard meaning a total of twelve (12) feet between houses.

Mr. Myers made a motion, seconded by Mr. Wigginton, to amend the motion to change the minimum side yard on the residential lots from six (6) feet to four and half (4.5) feet.

There was a discussion among the Council.

The motion to amend failed to pass.

Dr. Stevens made a motion, seconded by Mr. Ellinger, to amend Mr. Wigginton's motion to remove the condition of the six (6) foot minimum side yard on the residential lots.

The motion passed by majority vote.

Mr. Wigginton restated his original motion.

Mr. Simpson and Mr. Schneider stated that there were certain places on the facades of the houses where brick or stone could not be put in.

Mr. Wigginton stated that he would then amend his motion to show that they shall be constructed with brick or stone facades, except where building code laws and regulations prohibit.

Mr. Lane made a motion, seconded by Mr. Farmer, to amend Mr. Wigginton's motion to remove the section on the requirement for brick or stone facades.

The motion passed by majority vote.

Mr. Wigginton withdrew his motion.

Dr. Stevens made a motion, seconded by Mr. Lane, to approve the following Findings of Fact for Approval of the Planning Commission:

1. The requested R-1E zoning is in agreement with the 2001 Comprehensive Plan, for the following reasons:
 - a. Some 39.75 net acres of the subject property are recommended for Low Density Residential use, which is defined as 0-5 dwelling units per net acre. The Plan would suggest residential development of up to 198 dwelling units for this portion of the subject property.
 - b. Some 18.75 net acres of the subject property are recommended for Medium Density Residential land use, defined as 5-10 dwelling units/net acre. That portion of the subject property is recommended for development of 94-187 residential dwelling units.
 - c. The applicant proposes a Single Family Residential (R-1E) zone for 290 single family dwelling units. This level of density agrees with the residential density proposed for the subject property by the Comprehensive Plan.

Mr. Farmer made a motion, seconded by Mr. McChord to amend the motion to add the following:

Based on the evidence, while it appears that adequate capacity exists in the

sanitary trunk sewer which serves the subject property, full build-out of the development may exceed the capacity and as a condition of the granting of this zone change,

- 1. Schneider Designs, Inc. shall, at its sole expense, upgrade the sanitary trunk sewer to receive the additional sewer flows in the event the Div. of Sanitary Sewers determines that the capacity would be exceeded by full build-out.

The motion passed by unanimous vote.

Dr. Stevens’ motion, as amended, passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane,
McChord, Moloney, Shafer ----- 11

Nay: Myers----- 1

Mr. Farmer made a motion, seconded by Mr. McChord and passed by unanimous vote, to amend the ordinance to include the condition.

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1E) zone for 58.51 net (59.65 gross) acres of property located at 1749 Russell Cave Road subject to the developer’s upgrading of the sanitary sewer trunk line, if necessary to receive sewer flows from full build-out of the development, imposed as a condition of granting the zone change (Schneider Designs, Inc.) was given first reading as amended.

Upon motion of Ms. Shafer and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Lane,
McChord, Moloney, Shafer ----- 11

Nay: Myers----- 1

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The Council adjourned at 10:21 p.m.

Clerk of the Urban County Council